

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 04-2129

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UNITED STATES OF AMERICA

v.

MONTCLAIRE GUISHARD,  
Appellant

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On Appeal from the District Court of the Virgin Islands  
Division of St. Thomas and St. John  
D.C. Criminal No. 03-cr-00060  
(Honorable Thomas K. Moore)

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Submitted Pursuant to Third Circuit LAR 34.1(a)  
December 5, 2005

Before: SCIRICA, *Chief Judge*, McKEE and NYGAARD, *Circuit Judges*

**JUDGMENT**

This cause came to be considered on the record from the District Court of the Virgin Islands, Division of St. Thomas and St. John, and was submitted pursuant to Third Circuit LAR 34.1(a) on December 5, 2005. On consideration whereof, it is now hereby

ORDERED and ADJUDGED by this Court that the judgment of conviction and sentence of the District Court entered April 19, 2004, be, and the same is hereby affirmed insofar as it pertains to the conviction. The sentence is vacated and the case is remanded for proceedings consistent with this opinion. All of the above in accordance with the opinion of this Court.

ATTEST:

Clerk

DATED: January 10, 2006